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THE CREE BAND LAND ENTITLEMENT  
IN WOOD BUFFALO NATIONAL PARK:  
HISTORY AND ISSUES

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## Introduction

Parks Canada and Canadian conservation groups both argue that national parks and wilderness areas are established to benefit all Canadians. To use a popular phrase, it is in the "national interest" to establish such parks.

Native peoples in Canada are generally apprehensive about this argument: historically, the citing of "national interest" as a justification for some action, especially one involving Native lands, has often meant not only that Natives do not benefit, but that they are actually harmed. The creation of national parks illustrates this situation clearly, because they have always resulted in a restriction or outright denial of access to lands and resources traditionally used by various Native groups for livelihood without providing alternate land use areas. Further, since Native peoples were disenfranchised when the majority of Canadian parks was created and were not even considered to be citizens, they had little or none of the political power they possess currently and found it impossible to oppose successfully the establishment of parks.

Native peoples in many parts of Canada believe that they have prior claims to certain park and other lands, based on the principle of aboriginal title and on treaty rights. These claims, they feel, take legal and moral precedence over some unspecified "benefit" to "all" Canadians. Their loss of livelihood and of control as their access to their lands is impeded lends urgency to these claims.

One claim affecting a national park for which much of the historical background has been documented is that of the Cree band of Fort Chipewyan, Alberta. This band is currently pressing for a settlement of its land entitlement under Treaty 8, signed in 1899.<sup>1</sup> It is claiming land within Wood Buffalo National Park, one parcel of 16,000 acres at Peace Point and a second parcel of 18,000 acres at Embarras Portage (Griffiths 1978:23). The federal government has agreed to honor this claim. Opposing the Cree band, however, are the Alberta provincial government and some conservationists.

In this paper I will delineate first the main points of opposition of these two groups to the Cree land claim. This discussion will be followed by an historical overview of Native occupancy of Wood Buffalo National Park, including the history of the land claim. Finally, I will consider three issues deriving from this claim: first, the possible deleterious effects of a reserve within Wood Buffalo Park boundaries; secondly, the possible benefits for the Cree band; thirdly, whether or not this claim should be considered a "special case," rather than a precedent for claims elsewhere in Canada.

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### Opposition to the Land Claim

The Province of Alberta is a third party in the land claim because the 1930 Natural Resources Transfer Agreement provides that any land relinquished by a national park within Alberta reverts to the province. Thus, land in Wood Buffalo Park that the federal government has agreed to release for the Cree reserve must first be transferred to the province, which may then make it available to the federal government for the Cree band. Alberta is willing to do so, but with two constraints: first, the acreage involved must be based on the number of Crees in 1899, not the band size in the 1970s. Secondly, mineral rights will be retained by the province.

This second provision is significant in light of past efforts by the Alberta government to gain access to the mineral resources in Wood Buffalo Park, particularly the gypsum deposits at Peace Point. The Report of the Royal Commission on the Development of Northern Alberta in 1958 recommended that the park be opened for exploration and development since it "...is not a park in the same sense as Jasper and Banff and, in its entirety, is never likely to be" (1958:110).<sup>2</sup> The same report suggested "that no additional land be set apart as Indian reserves," and "that Indians' land rights be ... allocated on an individual basis" (1958:109). In 1962, the provincial government passed a statement calling for a redefinition of the park's boundaries. It appears, then, that the province is now willing to allow a reserve in exchange for the control it would gain over the park lands involved. The Cree band is not willing to settle its claim on these terms.

Some conservationists are opposed to the land claim also, but for different reasons. First, there seems to be a dogmatic espousal of the principle that national parks should never lose land for any reason, "...that national park boundaries be regarded as inviolate" (letter from Terry Green, Administrative Officer, NPPAC, Toronto, to Vern French, Sherwood Park, Alberta, 19 Dec. 1974, NPPAC Wood Buffalo Park File, Edmonton).

Secondly, one writer suggests that the Cree land claim in Wood Buffalo Park dates only from a general awakening of Canadian Indians during the 1960s and that, in fact, "...when Wood Buffalo National Park was declared in 1922 they [Indians] apparently found adequate compensation in the generous hunting and trapping rights within the park extended to them and their descendants" (Griffiths 1978:23). These statements imply that the Indians in the park were satisfied until the sixties with their access to the park and that their land claim did not reflect specific complaints with their position but stemmed rather from a general expression of Indian discontent; somehow the claim then becomes less serious or genuine.



Finally, there are fears that if Native peoples do acquire rights of access to parks or, especially, reserves within parks, they will destroy or at least damage the parks. There seems to be a general distrust of all Native peoples and a specific distrust of the Crees in Wood Buffalo Park. For example, John Theberge states (1978:9):

My empathy for the native, metis and even white people who wish to live a life style exclusively off the land is crowded by my concerns as a wildlife biologist over northern big game.

Will the native people abide by game laws? To do so would be imposing a new legal regime on them.

He goes on to worry about what he calls the "illegal occupation" of Peace Point by "Chipewyans" - actually, they are Crees - in Wood Buffalo Park (1978:9).

Deirdre Griffiths suggests that "the presence of cultural enclaves within our National Parks...could well develop into festering sores" (1978:24). She is particularly concerned about the proposed Cree reserve becoming an uncontrolled intrusion in the middle of a "wilderness," with damaging consequences for all aspects of the park, from visitor access to the flora and fauna (1978:24; pers. commun. 1978).

Self-appointed park and bison spokesman Vern French takes the most extreme position. In an article published by the Edmonton Journal (1974:5), he says that "Peace Point itself is one of the most beautiful areas in the park," but "if the acreage is removed from the heart of the park as a protected area,..." the landscape "...will be replaced by houses, people and the sound of machinery." Further, the bison "...are about to be sacrificed to man's indifference and greed." He blames the Department of Indian Affairs and Northern Development for "...in effect going along with the eventual destruction of this unique park." He wants the public to "...be aware there are forces at work waiting to plunder Wood Buffalo Park and that they have been working below the surface for quite some time." One must assume that he means the members of the Cree band.

To summarize, there is a consensus that an invasion by Native settlers of Wood Buffalo Park may well destroy the game and the land in and around the reserve-to-be, thereby eroding the value of the surrounding park. This apprehension reveals an ignorance of the history of the Native peoples in Wood Buffalo Park. The following historical overview of Native occupancy of the park should clarify the position of the Cree band and its land claim.

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## Wood Buffalo National Park: An Historical Overview<sup>3</sup>

### Before the Park

The region that was to become Wood Buffalo National Park was settled sometime in the late 18th and early 19th centuries by Chipewyan and Cree Indians, the Crees having earlier driven away the previous Athapaskan inhabitants. They came to trap furs in this amazingly rich locale, and they took them to Fort Chipewyan, strategically situated initially to trade for the furs the Indians produced and later as a depot for points further west, east, and north. Fort Vermillon, Smith Landing (Fort Fitzgerald), and Fort Smith, as well as outposts, eventually served the region as well. Metis associated with the traders began to settle in the area.

These Natives did, in fact, "settle" the country in the sense of establishing residency and defined patterns of land use there. Genealogical records kept by the Roman Catholic Mission at Fort Chipewyan show continuous occupancy of the region from the period of initial settlement by the family groups which are still using the park today. In addition, marriage patterns suggest the persistence of stable social groupings for this period. Evidence from the Berger Inquiry indicates that the northern hunters and trappers occupied the land in a restricted fashion that can be mapped, not at random. My own research confirms this finding for the park area within this century. To summarize, the Wood Buffalo Park region was occupied by distinct social groups using clearly defined areas for their subsistence activities.

This historical social situation should be adequate to refute the European notion that the park region was a "wilderness." By definition, a wilderness is "an uncultivated, uninhabited, or barren region" (Funk and Wagnalls Standard College Dictionary 1963:1536). Not only was the area inhabited, there is ample evidence to indicate that the Indians of at least the Peace River region were altering and controlling the environment deliberately by careful burning. Lewis (1977) has demonstrated that the Indians of the northern Alberta boreal zone used to set fires for a variety of purposes: to create and maintain meadows and slough and stream course vegetation, to clear deadfall forests, to create firewood, to improve settlement areas and campsites, and to make and maintain trails. Early descriptions of the lower Peace River country confirm the practice of burning to create meadows, and Fort Chipewyan residents told me of burning to clear deadfall forests and improve berry patches. Since burning properly conducted keeps vegetation in early successional stages, these Indians were creating pasture for the various animals on which they depended for food and trade.



I would suggest that the application of the concept of "wilderness" to Wood Buffalo Park is an ethnocentric usage based on EuroCanadian lack of knowledge about the Native lifestyles there and their control over the land.<sup>4</sup> It is a concept that just does not seem to apply when <sup>one considers</sup> the park's history of human habitation, as well as the ways in which hunters and trappers relate to the land today.

Contrary to Theberge's assertion, the process of imposing a "legal regime" of game control on the Natives in the park area began in 1894, when the federal government passed the Unorganized Territories Game Preservation Act. This Act prohibited hunting wood bison - a provision aimed expressly at the inhabitants of the Fort Chipewyan-Fort Smith region - and established closed seasons for several animals, including game animals, fur-bearers, and birds. To enforce these provisions, particularly the one related to wood bison, the North West Mounted Police (NWMP) began making patrols into the District of Mackenzie in the winter of 1896 (Zaslow 1971:96-97). The Report of the Commissioner of the NWMP for 1898 mentions that in the Fort Smith area two hunters were "arrested and punished" for killing wood buffalo (1899:2). Also, the NWMP introduced and enforced fire suppression regulations, directly affecting the quality of game habitats and, one supposes, eventually the number of animals available to Native hunters, who had previously practiced controlled burning.

In 1899, the federal government moved to legitimate its actions in northern Alberta and "...to extend the machinery of governmental protection and control embodied in the Indian Treaty system" to Natives in the area by sending a treaty party and a parallel half-breed commission into northern Alberta (Zaslow 1971: 224-5, emphasis added). The reasons for making this treaty and thereby extinguishing Indian title to the land were stated explicitly (Treaty No. 8 1966:10): the Indians in the area

were inclined to be turbulent and were liable to give trouble to isolated parties of miners or traders who might be regarding by the Indians as interfering with what they considered their vested rights.

The majority of these miners were, of course, "...the hundreds of Klondikers..." passing through the district on their way to the Yukon (Cameron 1910:96). More general reasons derived from the new political economy of the West, which was based on resources other than fur. These reasons are revealed in the federal Order-in-Council of 26 January 1891, regarding the area to be ceded by Treaty 8 (quoted in Sanders 1973:24):

"On a Report dated 7th of January, 1891, from the Superintendent-General of Indian affairs, stating that the discovery in the District of Athabasca and in the Mackenzie River Country, that immense



quantities of petroleum exist within certain areas of those regions, as well as the belief that other minerals and substances of economic value, such as Sulphur...and Salt on the Mackenzie and Slave Rivers, are to be found therein the development of which may add materially to the public weal, and the further consideration that several Railway projects in connection with this portion of the Dominion may be proposed appear to render it advisable that a treaty or treaties should be made with the Indians who claim these regions as their hunting grounds, with a view to the extinguishment of the Indian title...."

According to Sanders, "the treaties and the reserves were part of a piece of social planning designed to shift the economic base of native people to facilitate non-native settlement" (1973:30, emphasis in original) and, one might add, to facilitate non-native exploitation of these resources. That is, the natives had to be rendered peaceful through treaty, so that the country could be safely opened up for "...settlement, immigration, trade, travel, mining, lumbering, and such other purpose as to Her Majesty may seem meet..." (Treaty No. 8 1966:10).

The treaty had three consequences or implications that are important for this discussion. First, the community of Natives, with equal rights in the land and its resources, was divided into two groups: one that had signed away all rights to the land (received scrip) and one that had retained some rights to resources on unoccupied Crown lands and on reserved lands (took treaty). Secondly, the Treaty Natives, Chipewyan and Cree Indians, believed that they retained the right to hunt, fish, and trap as freely as if they had never signed the treaty. Reports of the treaty party are quite explicit about the impossibility of getting the Natives to take treaty without promising the retention of this freedom. However, it was not formally written into the treaty itself; the promise remained a verbal commitment only. Finally, although the creation of parks was not mentioned specifically, the phrasing of the treaty provided for the expropriation of land for their eventual creation, should they be so desired.

Despite the numerous individuals who passed through Forts Chipewyan and Smith on their way to the Yukon or other parts, few stayed in the region. As late as 1911, Harry V. Radford, a scientific traveler with a licence to secure two bison, reported that "At present there are no white hunters or trappers in this district..." ("Preliminary report on the condition of the wild wood bison of northwestern Canada," 20 June 1911, p. 13, RG 85 V. 665 File 3911 pt. 2). He reported also that "the Indians...generally respect, or at least obey, the law forbidding the killing of Bison at any season..." (ibid.:9) and that furbearers and game were abundant (ibid.:13). Although there is no way of verifying this description, it does give us a baseline date for when this situation of abundance



and Native dominance may have begun to end: sometime in the 1910s.

In the same year of Radford's report, in fact, a warden service was established to provide on-the-spot protection for the bison and to relieve the NWMP of this task. These wardens were allowed to hunt and trap in order to supplement their low salaries of \$50.00 per month plus rations (Maxwell Graham, "Explanatory statement regarding proposed regulations for the protection of game in the Wood Buffalo Park," 18 Dec. 1922, RG 85 V. 1213 File 400-2-3 pt. 1). Although this warden seems to have been considered not particularly effective, it must have served as a highly visible reminder of the government's willingness to break what Native people considered to be a solemn treaty promise of the continued freedom to hunt, fish, and trap as they saw necessary.

Further, by 1911 there were already suggestions that the bison range should be turned into a park in order to provide maximum bison protection by expelling the Indians. Radford argued against this plan on the grounds that the Indians were not killing the bison and that to turn the area into a national park would only attract undesirable attention from outsiders. Instead, he suggested that adequate protection would be provided by simply withdrawing the area from White settlement, which he saw as the real threat to the bison (Radford op. cit.:10-12). Subsequent events were to show that his position was an essentially correct one, and that most of the problems the Native people were to face in the late 1910s, the 1920s, and later stemmed from the intrusion of large numbers of outsiders into the area. Nevertheless, his suggestion was ignored.

The following year Maxwell Graham strongly recommended that a park or game preserve be established, with no hunting or trapping allowed, except for "noxious animals." He believed that such a park would allow the game to multiply and overflow to neighboring districts. "I would suggest that, if possible, arrangements be made to induce the Indians, or at any rate the half-breeds, to leave the particular district in question..." (memo from Maxwell Graham to Mr. Harkin, 7 Dec. 1912, RG 85 V. 665 File 3911 pt. 1). Graham's position was to harden over the years on this matter of access to park resources.

A response in 1914 to still another recommendation that a national park be created, to be called the "Caribou Mountain Park Reserve," was that it would be detrimental to the Indians:

I think that the setting aside of as large a tract as proposed for a game preserve was scarcely contemplated in the Treaty, and the closing of such a large area of hunting ground will undoubtedly be more or less a hardship to the Indians interested.



I may here say that it appears to be decidedly objectionable to have the tract set aside as proposed. It is the special hunting ground of the Fort Smith Indians [as well as of Indians further up the Peace River] and if it is closed they will be compelled to hunt on the Easterly side of the Slave River which is the hunting ground of other bands of Indians with whom there would certainly be trouble [letter from J. D. McLean, Assistant Dep. and Sec., to J. B. Harkin, Commissioner of Dominion Parks, Dept. of the Interior, 23 July 1914, RG 10 V. 4070 File 465,270].

Despite this objection, in 1916 Superintendent-General of Indian Affairs Roche requested the Deputy Superintendent-General, D. C. Scott, to

"issue instructions to Mr. H. J. Bury, of your staff, who is to proceed north on an official trip, that he should have a meeting with the Indians who hunt in the buffalo country with a view to his securing from them a signed statement specifically waiving any fancied rights they think they may possess to hunt and trap in the area in question" [memo from Chief of the Animal Division to Mr. Harkin, 6 Oct. 1917, p. 2, RG 85 V. 665 File 3911 pt. 2, emphasis].

These "'fancied rights'" were, of course, the treaty promises relating to hunting, fishing, and trapping. At the very least, the Indians were to be "...restrained from hunting or fishing in the buffalo range from June 1st to October 1st..." in order to prevent them from setting summer fires, for which they were blamed (ibid.:4).

There are numerous other suggestions, some revealing racist biases, others, ignorance of Indian practices, that a park be established and that the Natives be denied access to it. Sometimes these are offered with a further suggestion that reserves be created for them elsewhere, such as north of Great Slave Lake, though it is not clear whether the intent was actually to restrict the Indians to a reserve or simply to provide them with alternate land and resources. At no time, however, was there land not in use that would have been suitable for such a reserve. Not surprisingly, the Indians were most unhappy with these proposals for a park:

At the time the sanctuary was first proposed, the Indians displayed considerable hostility to the suggestion that they should be deprived of their right to hunt and trap over such a large area of land, claiming that they would have to explore other more remote lands in the pursuit of their livelihood, and that it would mean a lapse of several years before they would be in a position of earning a living by trapping over a strange territory [letter from J. D. McLean, Dep. Supt.-Gen., to J. B. Harkin, Commissioner, 22 July 1920, RG 10 V. 4085 File 496,658 1A].

Following the first world war, pressure to create a park was mounting due to the large number of outsiders, White and Metis, who entered the area in the 1910s and especially the 1920s to trap, due both to high fur prices and to depressed economic circumstances for prairie farmers. Kitto described them in



1920 (Kitto, report, RG 10 V. 4085 File 496,658 1A):

The high price of furs prevailing during the past winter [1919-1920] when rats ran from \$1.50 to \$3.50 cash has given a great stimulus to the spring rat hunt. Many young men came into the country simply for this hunt. As a rule they are green and inexperienced in hunting or woodcraft.

The young white trappers, unskilled and unaccustomed to wood life, suffer all the hardships and privations consequent upon such ignorance. They live in filth and misery, make a frantic effort to make the best of their venture by securing every pelt possible regardless of consequences and then curse the country.

Bury compared their mode of production with that of the Indians in a 1926 memo (from H. J. Bury, Supervisor Indian Timber Lands to Dep. Supt.-Gen., 7 July 1926, RG 10 V. 6731 File 420-1):

A comparison between the Indian mode of trapping and that followed by the average white trapper proves beyond all doubt that the Indian is a game conservationist. The Indians trap on the same grounds each year, get their fur when it is prime, refrain from total extermination of the fur bearing animals and exercise as a rule careful restrictions with regard to the use of fire in the bush.

The average white trapper is not concerned with the question of continuous yearly trapping in one district. Having picked out a promising territory his main object is to clean it out during one season and move to new grounds the following year. With this in mind he resorts to methods which result in the extermination of all fur bearers in his territory. He is accused, (on good authority) of dynamiting beaver houses and dams, and the trapping of unprime fur by catching animals with traps equipped with cloth wrapped jaws so as to keep them alive in captivity until the arrival of cold weather, and the systematic slaughter of all fur bearers in his district.

The Indians bitterly resented the outside intruders. Some evidence suggests that they began to intensify their own efforts in fur production, probably in retaliation as well as desperation to maintain their own standard of living.

This pressure for resources was surely the reason behind a 1922 request for a reserve by Chief Justin Martin (Weyakis) on behalf of the Cree band (source confidential), prior to the establishment of the park later that same year, although almost certainly for an area south of the park area (north of the Peace River). The bands had not been willing to choose reserves when they took treaty in 1899, fearing that they would be restricted to them. Now they saw reserves as areas that could be closed to these rapacious outsiders. This initial request was apparently never acted upon.



Wood Buffalo Park 1922-1948

The issue of whether or not the Park should be closed to all hunters and trappers was still not decided when it was created on December 18, 1922. White trappers and all traders were definitely prohibited. These trappers moved to the east of the Slave River and south of the Peace. Eventually it was decided that Métis, over their strong protests and after allowing them to continue in the park for its first year, were to be disallowed access as well. Several Métis took treaty so as to gain park privileges. One letter suggests that Métis may have been denied access so as to force them to do work such as cutting wood rather than allowing them to lead "...the life of an Indian" (letter from John A. McDougal to the Director, NWT&Y Branch, 5 Sept. 1923, RG 85 V. 1213 File 400-2-3 pt. 1). Meanwhile, the debate continued regarding the possibility of excluding the Indians, too, from the park at a time when "the Indians are coming into the Park in increasing numbers because the white man is excluded" (extract from Mr. Finnie's notes during his official visit to WBP, 21 Dec. 1925, RG 85 V. 1213 File 400-2-3 pt. 1). It was becoming increasingly difficult for Indians to cope with competition from outsiders, which may have contributed to the fact that Indians were never excluded from the park, despite this debate.

The Indians living in the Alberta portion of the park were subject to the Alberta Game Regulations regarding closed seasons (letter from O. S. Finnie, Director, to J. A. McDougal, 18 June 1924, RG 85 V. 1213 File 400-2-3 pt. 1). They were not happy with the game regulations imposed on them, though the majority were considered to be generally law-abiding. However, there are several instances now and later of high status individuals apparently deliberately violating certain game regulations on closed seasons which might be interpreted as a form of protest. Significantly, the Indians were not involved in the formulation of regulations which they might have found sensible and been willing to follow because they had had a hand in creating them. They saw the imposition of the Alberta regulations as a violation of treaty promises.

These arguments and conflicts continued with the expansion of the park on September 24, 1926. By then the people in the area to be annexed, south of the Peace River, and in Fort Chipewyan had marshalled their resistance to the extension of the park unless all current inhabitants and traders retained their access to the park. Prominent citizens of Fort Chipewyan sent a letter and petition to Charles Stewart, Superintendent-General of Indian Affairs, protesting the imposition of any restriction in park use (letter and petition from P. G. Mercredi, Fort Chipewyan, to Charles Stewart, 6 May 1926, RG 85 V. 1213 File 400-2-3 pt. 1). Although government officials reassured local residents, they continued



to hope that it would one day be possible to turn the park into a true game sanctuary, with no Indian or other person allowed to hunt, trap, or fish.

The reason for this park expansion is a curious one. By the early 1920s the plains bison population at Wainwright had outgrown its reserve, and something had to be done with the excess. Since plans to slaughter them had met with strong public opposition, it was decided to ship down several thousand one and two year old bison to the "empty" pastures of Wood Buffalo Park. This decision was made over the strong opposition of biologists and even departmental officials who were concerned about interbreeding between plains and wood bison, as well as about the possible spread of tuberculosis to the wood bison, since the Wainwright herd was known to be diseased. The bison that were sent north between 1925 and 1928 were never tested for tuberculosis, apparently "...in the belief that only the older bison in the Wainwright herd were susceptible to disease and that if the young animals were segregated from the adults there would be little chance of them becoming tubercular. At least one departmental official disagreed with the decision" (Mitchell 1976:6; also in Lothian 1976:63 without attribution to Mitchell). The plains bison did begin to interbreed with the wood bison that the park wardens and the NWMP had rigorously protected, they almost certainly introduced tuberculosis, and they began crossing the park boundary of the Peace River to feed in the lush meadows of the Lake Claire region (Mitchell 1976). It was to protect these Wainwright bison, primarily, that the park was expanded, carved out of potential reserve lands and creating a new system of both protections and restrictions that were to affect the Native residents critically in the years to come.

The initial and most important restriction imposed concerned access to the park. Following the creation of the old park in 1922, the matter of access by treaty Indians had been handled flexibly, resulting in many Indians moving into the park to avoid the competition for resources outside its boundaries. For the park annex, officials planned to limit the number of individuals who would have access to the park right from the start by establishing a permit system and setting a firm rule of eligibility: all hunters and trappers present in the park annex at the time it was declared part of the park would be able to obtain permits to enter the park - but only those individuals and their immediate families. No decision was made about their children's future eligibility, partly because it was still hoped that the park would eventually be closed to hunting and trapping entirely. Not only did this ruling allow several white trappers to remain in the park, but it also disallowed access to relatives of Natives who for one



reason or another were hunting elsewhere that year. In effect, it split the Chipewyan band into two groups: the park Chipewyans and those without park access. The Crees were not put into this situation, since they were all apparently in the park in 1926.

Native people, both Cree and Chipewyan, were fearful for their increasing lack of control over access to the resources on which their lives depended and, possibly, uneasy about this potential division in the band. The Chipewyan chief, who resided outside the park, had to have permission from park officials to visit band members inside the park. Both bands continued to press for the establishment of reserves, although these claims were complicated by the presence of an apparently inviolate national park. The 1926 petition to Charles Stewart had stated that "for a number of years past, the Cree and Chipewyan Bands of Indians have endeavored to induce the Government to set aside a Hunting and Trapping Preserve, but, so far, without any tangible result" (petition op. cit.). A letter from Indian Agent Gerald Card following the annual summer trip to pay treaty in 1928 informed the Indian Affairs Department that "the Chipewyan band were again insistent for a Hunting and Trapping reserve and wanted to know the cause of the long delay" (letter from G. Card, Ft. McMurray, to ?, DIA, 28 Aug. 1928, RG 10 V. 6731 File 420-1-4). The Department of Indian Affairs did make application

...to have two areas set aside as hunting and trapping reserves for the Indians of the Chipewyan and McMurray Districts. The area to be set aside for the Chipewyan Indians which comprises approximately 2,080 square miles, is situated south of the east [west?] end of Lake Athabaska. The eastern [western?] boundary of this suggested reserve adjoins the area to the south of the Peace River which was added to Wood Buffalo Park in 1926 in order to provide additional grazing grounds for the buffalo. The southern boundary of the reserve for the Chipewyan Indians will be the 27th base line which base line is the southern boundary of the Wood Buffalo Park to the west of the Athabaska River [memo from ? to O. S. Finnie, NWT&Y Branch, 12 April 1929, RG 85 V. 1213 File 400-2-3 pt. 1A].

However, both the author of this memo and O. S. Finnie wanted to link the creation of a reserve with the elimination of all hunting and trapping in the park: "...those Treaty Indians, now residents of Fort Smith, Chipewyan, Fitzgerald and vicinity be obliged to move out of the park and refrain from further hunting and trapping therein" (memo from O. S. Finnie to J. W. Martin, Commissioner, Dominion Lands Administration, Dept. of the Interior, 16 April 1929, RG 85 V. 1213 File 400-2-3 pt. 1A).

Natives within the park surely felt that their fears were justified when



in 1928 a hunter who had violated a game regulation had his permit cancelled. This event seems to have been the informal beginning of a policy of enforcing game regulations primarily by the threat of temporary or permanent exclusion from the park for transgressions, a serious threat indeed when one considers the competition outside the park. This situation worsened when Alberta moved to establish registered traplines in the 1941-42 season (Annual Report, Dept. of Lands and Mines Alberta 1943:64). If a trapper (and his family) were forced to leave the park for a violation of a regulation after that time, he might have nowhere he could go, unless he were able to trap with a friend or relative. Applications for reinstatement of these trappers state that they were rendered destitute as a result of their punishment or that they were forced to rely on rations issued by the Indian Agent. This situation undoubtedly contributed to efforts to obtain a reserve from which a hunter and his family could not be expelled.

Hunters and trappers who obeyed the park regulations, or who at least did not get caught in their violation, were better off economically than were Natives outside the park. The restricted number of park trappers combined with park conservation measures resulted in higher animal populations, better individual fur yields, and better incomes for those with access to the park compared with those Chipewyans without such access. The park officials believed that the Indians saw the value of the regulations and cooperated with them. Horace Halcrow, who had investigated the possibility of a muskrat development scheme for the Athabasca Delta area, presented a contrary view, that "...in the great majority of cases they were giving no co-operation to the administration of the Park..." and were hostile to the regulations (letter from H. Halcrow, The Pas, to Hon. T. A. Crerar, Min. of Mines and Resources, 26 Oct. 1940, p. 2, RG 85 V. 1214 File 400-2-3 pt. 3).

Moreover, the Indians were still afraid that "...in some future date the Government intends clearing them out of the area" (ibid.:3). They understood this plan to be the reason that they had not been able to obtain the reserve for which they had "...repeatedly asked...." Halcrow felt that

It would be most difficult, and almost impossible, for anyone to bring them into line [re game regulations] unless the Government showed their good faith by giving them their Reserve at a place where they want to locate, that is, on higher ground. At the present time the majority of these people are located in small houses, on the marshes and low ground, where it is most unhealthy for anyone to live, and they tell me they can't build anything permanent due to the fact that they don't know how long they will be allowed to stay in the Park [ibid.:3].

This passage shows clearly that not only did the Indians' desire for a reserve



remain strong, but that it was linked to the feeling that without a reserve, they were living in a condition of total insecurity, at the mercy of the park administration, which they distrusted.

The Chipewyan band did obtain a reserve in the Athabasca delta outside the park, a process that began in 1937 when the federal government obtained a certificate of title to the surface rights of 49,600 acres of land from the provincial government. The land was officially made a reserve in 1954. Apparently, the amount of land involved was based on the total Chipewyan band population, even though many of the Chipewyans lived within the park.<sup>5</sup> The very limited material available about the reserve creation does not indicate whether or not the park Chipewyans were involved in the process of obtaining this particular reserve, or whether the government simply assumed that they would never obtain a reserve in the park and so added their numbers to the numbers of the Chipewyans resident outside the park, perhaps under the assumption that one day the park Chipewyans might leave the park and come to live on the reserve. Some evidence suggests that the Delta Chipewyan had not wanted a reserve, but rather a muskrat hunting and trapping preserve, fearing that they might be forced to live on a reserve. Further, the reserve was not large enough to support even those Chipewyans who did use it. Given these limitations and the conflict that developed between natives within and outside the park, it is unlikely that the reserve Chipewyans would have welcomed an influx of Chipewyans from the park. For these reasons, it seems likely that the park Chipewyans were passive rather than active participants in acquiring this reserve, and they neither benefited from it nor saw it as a homeland. What the park Chipewyans wanted, of course, was a reserve in the area of the park.

The park Indians responded to the establishment of the Chipewyan reserve and to the problems they felt they faced within the park by deciding to join forces. Although the Indian Affairs files on this topic are closed, the new Indian Agent Jack Stewart reported in his Daily Journal that on June 12, 1944, he "Had a meeting of the Cree Band in office today. Talked over the Election System and also the reserve they have asked for. Part of the Chipewyan band was also here and they put in an application for a transfer to the Cree Band." This transfer took place sometime later in 1944. It seems clear that since the Chipewyan band had now obtained its total reserve allotment, the only action the park Chipewyan could take was to throw their lot in with the Cree, hoping that their joined forces would finally enable them to acquire a reserve or reserves within the park boundaries. It appears that as a result of this change and of the unity of interests imposed by the park situation, the Chipewyans and Crees



were also ending a generations-old enmity and distinction between them through intermarriage, ideological changes ("we're really just one people"), and this final legal band transfer.

Although the park administration still refused to consider a reserve within the park, it did take steps to involve the Indians in the creation of a new set of park regulations. This procedure involved a series of consultations - persuasions, really - with the Cree and other bands and Métis trappers about the creation of several group trapping areas and some individual trapping areas. The new legislation, passed in 1949, provided for these areas. Also, it allowed the sons of permittees to obtain licenses in their own names,<sup>6</sup> as well as several other changes.

#### Park "Development"

1948 saw the drastic decline of the fur market and rapid inflation of commodity prices. The federal government believed that Native economic difficulties would be solved by providing wage labor as an alternative to their traditional economies. The source of jobs was to be the intensive development of northern resources other than fur. Although the park had been willing to invest in fur improvement programs from 1938 into the early 1940s, after the second world war the fur trade was considered to be obsolete, and the park was opened to new development schemes.

The first of these was commercial fishing for Lake Claire goldeye. McInnes Fish Corporation, which had fished Lake Athabasca for many years, brought political pressure to bear on the federal government to allow it access to the park, since it had depleted the Lake Winnipeg goldeye. This fishing was allowed in 1948, over the strong protest of the park Natives, on the grounds that it would provide jobs for these same Natives. Although the fishery did provide some jobs and income following the end of the trapping season, it also reduced the fish population in this lake considerably, not just of goldeye, but also of jackfish and other species. Much fish was wasted. The fishery continued into the 1950s, with profits for McInnes but no long term benefits or even much in the way of short term benefits for the Natives who relied on the Lake Claire fish for food for themselves and their dogs.

The second development program, a bison slaughter program, was initiated by the park itself in 1951 (cf. Mitchell 1976). There had been small hunts for bison since 1929 through the 1940s to supply meat to the Missions and the Indian Agents for relief purposes. This new proceeding had two related goals: first, the park hoped to eradicate the tuberculosis in the park herds by slaughtering those bison that reacted positively to a tuberculin test. Then, the salvageable



meat would be offered for sale, supplemented by meat from "surplus" bison, such as old bulls. It was hoped that cheap meat could be supplied to the Territories, Fort Chipewyan, and elsewhere (including packing plants in Edmonton) and that a profitable business could eventually be established through the marketing of park bison. There was a high capital investment in facilities, and some Natives were trained in slaughter and butchering procedures. This program continued until c. 1968, when it returned to the previous smaller operations of supplying meat solely for the use of local people.

Finally, commercial logging began in Wood Buffalo Park in 1951, with the establishment of Peace River Sawmill to supply lumber for the mine operations at Eldorado, at the east end of Lake Athabasca. This early operation was eventually bought out by Swanson Lumber Company Ltd., which moved to the park in 1955 following the depletion of spruce saw logs in its Lesser Slave Lake timber berths (Card 1963:95) in order to take advantage of the white spruce stands of the lower Peace. Swanson's set up a townsite at Sweetgrass Landing where its workers lived. Native workers benefited from this enterprise by acquiring skills and income at a time when they had considerable financial need, but, because they had no control over the land and its resources, they had no way of insuring that the mill would remain or that it would operate to Native advantage. Like McInnes' fishery, the profits earned by Swanson's from park timber and the low-paid labor of the Natives left the park. When the park administration decided in the 1970s that it was an embarrassment to have a logging operation in the park removing stands of spruce that should be preserved, the contract between the park and the lumber company was re-negotiated. Swanson's shut down its Sweetgrass operation and never did exploit the Embarras timber berths. The Natives who had worked for Swanson's had no long term benefits to show for their labors. Had the band controlled the enterprise, at least some of the profits could have gone into the band fund, but band control was impossible without control of the land.

The Native peoples of the park had come to rely on a mixed livelihood in this development period that included intermittent trapping, hunting, fishing, and wage labor, especially at the mill but also in Fort Chipewyan and other settlements, and on transfer payments (family allowance, old age and disability payments, and social assistance). When the mill closed, with the fur trade still depressed, the majority of the people who had worked and lived at Sweetgrass Landing moved to Fort Chipewyan. Some families still continued to work



and live in the park through traditional practices, however, despite the poor market for furs.

The desire of the Cree band to obtain a reserve continued throughout the development period, with the question of control of resources looming as large as before. Obtaining the reserve as well as taking over the administration of band affairs from the Indian Agent were seen as two ways of gaining the desired control. The Cree (and Chipewyan) band took over the band administration in 1968-69. The commercial operations allowed in the park and legal developments elsewhere had improved the climate for granting the Crees their reserve, which was agreed to in 1971 by the federal government. The band made its formal selection of land in 1974.

#### The Cree Reserve

The history of Wood Buffalo National Park has been characterized by a striking continuity of protest by park Indians over the breaking of and non-fulfillment of treaty promises and, until recently, conflict between them and the park administration/federal government. Although the park did play an important protective role from the time of its creation to 1948, the intervening period of "development" from 1948 until the closure of the mill benefited neither Native people nor the park in the long run.

Now, there is considerable concern that the establishment of a Cree reserve within the park boundaries will be one more unfortunate development that will not be of real benefit to the Crees but that will harm the park. This concern has focused on the proposed Peace Point site rather than on the second area at Embarras, presumably because the Peace Point location has been claimed for a longer time, because it is in the middle of the park, and because it contains gypsum deposits.

Three possible negative consequences of a reserve seem to cause the most worry. The first is that a new townsite may be developed at Peace Point which could become an eyesore. Obviously, this aesthetic consideration is a subjective one and may be seen as one more instance of EuroCanadian tastes being imposed on Native Canadians. More importantly, Native settlements predate the park, and they continued throughout its history. These settlements have included those at Peace Point and at Embarras Portage. The townsite at Peace Point would not be a new community, but rather an expansion, if many people choose to live there, of a pre-existing settlement. Hunters and trappers and their families have always been allowed to live within the park; for this reason, any movement of



Cree band members to Peace Point for settlement is completely legal, pace Theberge.

A more serious consideration is the possible deleterious effect of this settlement and future reserve on the resources of the reserve and surrounding park. The Cree band will have to decide for itself how the resources on the reserve are to be managed, probably no easy matter since the hunting and trapping areas of some members lie within the proposed area. Also, there is a general feeling among many older members of the band that individuals should not be able to exploit game and fur resources to the detriment of others. So it is unlikely that the band will allow a free-for-all on the future reserve.

Nor is there any reason to expect tragic consequences for the surrounding park and its animals. Park enforcement of its regulations will continue, as will the special interests of those band members with hunting and trapping areas in the vicinity. The current park administration has made real efforts, beginning in 1974, to involve the trappers in formulating a new set of regulations for park access and use (Sandy McLain, pers. commun., June 1978). The increasingly active Trappers' Associations should encourage more cooperation between the Native users and the park staff. Richard MacFarland cites the Canadian Council on Rural Development in connection with park planning: "'...the most positive social impact appears to result when the local population wants the project, is involved in it, knows its effects and can control its administration'" (1978:37). He suggests that local ownership (i.e., control) provides "...inherent trusteeship and protection" (1978:38). Granting the Cree band its reserve and involving the members in setting park policy were the steps Horace Halcrow had advocated back in 1940 to bring about their greater cooperation. Finally, in the 1970s, it is happening.

Mr. B. C. Lieff, Superintendent of Wood Buffalo National Park, is optimistic about finding solutions to the problems posed by the existence of a reserve. He says (pers. commun., 7 Feb. 1979):

The question of Parks Canada...is not whether or not a reserve should exist at Peace Point but rather how can we minimize the possible adverse affects of the reserve upon the parks resources. In this regard and to assist the Band, a Peace Point Committee was formed last fall. Its membership includes the Band Chief and Band Manager, Band Counsellor with responsibility for Peace Point, a representative from Indian Affairs and myself. We try to meet every month or more often it [sic] required to discuss problem areas. To date we have been able to find solutions which are satisfactory to all parties.

About 35 Band members have been living at Peace Point since last fall and our relations with them in my opinion, are very good.

When the area becomes legislated as a reserve the National Parks



Act and Regulations will no longer apply. At that time the Band will be able to set up its own regulations. Since the area surrounding the reserve and the road passing through it will remain part of the park there is no doubt in my mind that the need for consultation between the Park and Band will remain and likely increase.

Mr. Lieff's comments are relevant also to the fear that the band will decide to exploit the gypsum deposits. Although what the band would do on the future reserve would be its own affair, marketing the gypsum would require transporting it through the park and the active involvement of the park administration. If the band does decide to mine the gypsum at some future date, the impact of this industry on the surrounding park could be minimized through this necessary consultation. In fact, since there is already a road from Peace Point to Fort Smith, no new transportation route would be needed.

Some critics of the proposed land transfer have argued that the Cree band may be overly optimistic about the economic benefits to be gained from the reserve. Aside from the great moral victory in gaining the land they have claimed for so many years, there may well be economic benefits as well for people who, like the Dene to the North, "...are searching for means by which they can modernize their economy and yet retain the essentials of their traditional productive relationships (Asch 1978:3-4). That is, the band may not expect to be able to develop an economic program that will provide permanent, high salaried jobs for its members. Rather, the Crees may anticipate that, again like the Dene,

...they will develop an economy that is based on the exploitation of renewable resources such as game animals, fur bearers, and fish and set within an institutional framework that emphasizes small-scale community centered structures founded on the principle of reciprocity or mutual sharing [Asch 1969].

Asch's evaluation of the Dene economic position is unequivocal (1969):

Clearly, the Dene still have the institutional basis and economic orientation necessary to establish a modern economy based on renewable resource exploitation and consistant with Dene traditions and values. Indeed, on a technical level, all they now lack is sufficient capital.

He suggests that, following Berger, the Dene could obtain this capital by intensifying their production of bush commodities, by "...adding value to these commodities by processing them in the north before export to southern markets," by promoting tourism, and by fur farming. These activities will not supply enough capital, however, and he suggests further that control over the land could allow the Dene to tax the exploitative industries, especially mining,



but also gas and oil production. This income could be used "...to promote the development of the renewable resource economy along lines consistent with the institutional framework and economic rationale of the Dene bush mode of production," in part by constructing the infra-structure necessary for an economy based on renewable resources.

This conception can be applied to the Cree band. The Crees anticipate the continuation of their traditional activities of hunting, fishing, and trapping, especially now that fur prices have soared. They are considering also the possibilities of agriculture and stock raising. Lieff suggests that bison harvest and tourism might be other areas of band interest (pers. commun., 7 Feb. 1979). But, they too are short of capital to develop these or other activities. Had the Crees been recognized earlier as having a vested interest in the land, perhaps a percent <sup>age</sup> of the profits generated by commercial fishing and logging in the park could have been contributed to the band fund to provide some of the needed capital.<sup>7</sup> At present, the most likely source of capital would appear to be the gypsum deposits at Peace Point.

The possibility that the deposits might be developed has been criticized on the grounds that it would be neither economically feasible nor long term. It is doubtful that the band would plan to mine the gypsum if there would be no profit from it. The second criticism becomes unimportant if the project is considered to be less a source of jobs than a source of capital for other programs the band may wish to initiate. Seen in that perspective, it may be a judicious solution to the problem of obtaining the capital Asch sees as essential if people are to develop a viable economy based on renewable resources. The reserve would serve as the locale and focus of this new, Native planned and controlled economy.

#### The Cree Land Claim: A Special Case?

The final issue to be considered is whether or not this land entitlement should be considered a special case. That is, if the Cree band finally obtains its reserve within Wood Buffalo National Park, does this settlement become a strong precedent for settling other such claims by relinquishing the national (or provincial) park land in question? Also, what does this claim suggest for the new series of wilderness parks proposed for northern Canada?

There has been little research published and, I suspect, little done on the history of Native involvement in national and provincial parks and game preserves. What is available suggests that the treatment of the Natives affected was similar to that accorded the people in Wood Buffalo Park, or



worse. For example, when Jasper National Park was created, linked with the building of the CPR through the Rockies, the Natives living there were compensated and apparently forced to relocate; they moved to the Grande Cache area. The Kluane Game Preserve, another illustration, was an immediate result of the Alcan project in the Yukon. U. S. Army "...personnel and civilians working on the road were granted resident hunting licenses while they were working in the Yukon" (Cruikshank 1977:19). The considerable depletion of the game on which the Natives depended and the increasing access to the southwestern Yukon allowed by the Alaska Highway and Haines Road resulted in the creation of the Kluane Game Sanctuary in 1943; no one, Native or non-Native, was permitted to hunt or trap there. No alternatives were provided for the Natives in this area, and their economies were seriously harmed (*ibid.*:20-21).

As more research is done into park histories and as more land claims are brought forward, there will probably be more instances of what today seems to have been high-handed treatment of Native users of lands that came to be designated as parks or game preserves. The claim of the Cree band to land within Wood Buffalo Park is particularly strong because its members have continued to use the park for livelihood since its creation. Other groups who were denied access to park lands may or may not be willing to settle for other lands and other forms of compensation. Obviously, each case will be characterized by a unique set of problems and events.

Native peoples are unlikely to stand by idly and allow new parks to be established that would exclude them, however. John Theberge makes a strong plea for the creation of sanctuaries in which no hunting is allowed, to serve as "scientific benchmarks" (1978:10). I would counter this plea by citing MacFarlane (1978:39): "'The choice before us is clearly between preserving an economically healthy community life or creating a static nature museum, part of which will be set aside for a summer playground.'" Wood Buffalo National Park, a multi-use national park by accident rather than design, might be considered one model for the new wilderness parks. It has acted both to preserve the wildlife and limit its exploitation and to allow its traditional Native users to continue doing so. To have "closed" this park would have only harmed the Natives. There is surely room for both people and animals in parks properly managed.

Parks Canada and conservation groups should be investigating multi-use parks in other countries, particularly the African models but also the situation in the Soviet Union and the United States. They can then formulate a general multiple-use policy that will have as its premises the two major goals



suggested by Hunt, Miller, and Tingley (1979:2) for the establishment of northern wilderness areas: "to afford protection to the wildlife and its habitat; to preserve an area where natives can carry on hunting, fishing, and trapping activities." Corollary principles are that activities that conflict with these goals are to be prohibited, while used that "...are not inherently inconsistent with these goals...should be permitted to a limited degree." Importantly, "Native users, and others who are knowledgeable about the area, should be actively involved in management and decision-making processes" (ibid.:3). They conclude that no current legislation at any level - territorial, federal, or international - is suitable to achieve these goals. Therefore, they advocate new legislation that would recognize the unique qualities and problems of northern areas, particularly the Native component, possibly by making the establishment of northern parks "...subject to the terms of agreements negotiated with the local natives who have aboriginal rights" (ibid.:6). Native peoples may be willing to support the creation of national parks or wilderness areas as long as they do not see their own futures being expropriated, as they almost were for the Wood Buffalo Park Cree.

#### Notes

<sup>1</sup>Contrary to Griffiths (1978:23), Treaty 11 was not signed until 1921, and it involved primarily the MacKenzie River area northwest of Wood Buffalo National Park.

<sup>2</sup>This evaluation is supported by the fact that WBNP was administered for most of its existence by the Northern Administration and Lands Branch of the Department of Northern Affairs and National Resources (or earlier equivalent departments). The National and Historic Parks Branch in the same department, to which it was transferred in 1965 (Mitchell 1976:16), apparently wanted nothing to do with this northern park earlier.

<sup>3</sup>Because my analysis of the regional history has not yet been completed, this overview is preliminary and will be revised and fully documented at a later date.

<sup>4</sup>Historically, the concept of "wilderness" was related to European expansion into North America. More recently, it seems to have been used to justify the exclusion of Native peoples when setting aside certain areas for preservation purposes. Each overlooks the Native component.

<sup>5</sup>Treaty 8 was not designed for northern peoples who relied on hunting and trapping for livelihood. It followed a model of treaty-making designed on the prairies that was meant to "civilize" the Indians by turning them into agriculturalists and to open up the freed land, surplus to the needs of these agricultural Indians, to European settlement and development. The early writers on the resources of Canada's northland hoped that eventually the north would be opened up similarly, especially the Peace River country for farming, and mining on the Shield. Indians were never conceived as major participants in development



schemes, however. The amount of land provided for Indian reserves by Treaty 8 was one square mile for each family of five, a meaningless amount of land for people who might need to range over many square miles in their search for game and fur-bearers.

<sup>6</sup> Sons of permittees over the age of eighteen had been able to obtain licenses in their own names since 1935, but only as a result of departmental permission.

<sup>7</sup> Another source of capital could have been compensation paid to the band by the province of British Columbia for the damage done by the Bennett Dam to the hunting and trapping areas of the Peace-Athabasca Delta. No compensation has ever been paid for this grievance, which dates back to 1968.

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and the other two were not yet available. Thus  
with assistance from the Bureau of Reclamation, the  
first diversion was made on January 1, 1901.

The first diversion was made at 7:30 a.m., and  
about 100,000 cubic feet per second was taken from the river.  
The diversion was continued until January 10, 1901.

On January 11, 1901, the diversion was discontinued  
and the river was left free to flow to the sea.

On January 12, 1901, the diversion was again made,  
and the river was again left free to flow to the sea.

On January 13, 1901, the diversion was again made,  
and the river was again left free to flow to the sea.

On January 14, 1901, the diversion was again made,  
and the river was again left free to flow to the sea.

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and the river was again left free to flow to the sea.

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and the river was again left free to flow to the sea.

On January 22, 1901, the diversion was again made,  
and the river was again left free to flow to the sea.

Date Due

JAN 3 '98	RENEWED APR 3 '98
MAR 10 '98	RENEWED APR 19 '99
DEC 01 1995	RENEWED MAY 26 1998
NOV 21 1995	
DEC 17 1995	
OCT 12 1995	
RETURN JAN 1996	
RENEWED APR 12 '96	
RETURN OCT 15 '97	

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McCORMACK, Patricia A.

The Cree band land entitlement  
in Wood Buffalo National Park.

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